

25165. Adulteration of canned salmon. U. S. v. 785 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36317. Sample nos. 38096-B, 40526-B.)

This case involved a shipment of canned salmon which was in part decomposed.

On September 12, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 785 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 20, 1935, by the Deep Sea Salmon Co., from Skowl Arm, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

On September 25, 1935, the Deep Sea Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated in that it consisted in whole or in part of a decomposed animal substance and ordering that it be condemned. The decree provided, however, that the product might be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25166. Adulteration and misbranding of macaroni. U. S. v. 21 Boxes of Macaroni. Default decree of condemnation and destruction. (F. & D. no. 35738. Sample nos. 35817-B, 35818-B, 35819-B.)

This case involved macaroni made of wheat flour, apparently of first-run flour, and containing artificial color, which was represented to be macaroni made from semolina, and which failed to bear on the label a statement of the quantity of the contents.

On July 11, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of macaroni at Denver, Colo., consigned by the Western Macaroni Manufacturing Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about April 10, 1935, from the State of Utah into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipment consisted of three varieties, labeled "Spaghetti", "Mustaciol", and "Ditalini", respectively, all of which were further labeled: "Diamond 'A' Brand Macaroni. Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Made of 100% High Grade Semolina."

The article was alleged to be adulterated in that a product made of wheat flour and containing added yellow color had been substituted for macaroni made from 100 percent semolina, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing in the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not 100 percent semolina and which was artificially colored: "Macaroni * * * Made of 100% High Grade Semolina", "Mustaciol Queen's Taste Insuperabile", "Ditalini", "Spaghetti." Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25167. Misbranding of canned peaches. U. S. v. 256 Cases of Canned Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36213. Sample no. 29903-B.)

This case involved canned peaches which were substandard and were not labeled to indicate that fact.

On August 26, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 256 cases of canned peaches at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by the Georgia Canning Co., from

Wayside, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Georgia Cracker Brand Peeled Elberta Peaches * * * Packed by Georgia Canning Company, Wayside, Georgia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not of uniform size, was too tender, and was not in unbroken halves, and its label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On November 12, 1935, the Georgia Canning Co., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department to indicate that it was substandard.

W. R. GREGG, *Acting Secretary of Agriculture.*

25168. Adulteration of canned salmon. U. S. v. 420 Cases of Red Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36271. Sample nos. 40480-B, 40501-B.)

This case involved a shipment of canned salmon that was in part decomposed.

On September 3, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 cases of canned red salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 7, 1935, by the Surf Canneries, Inc., from Kukak Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 9, 1935, the Surf Canneries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25169. Adulteration of canned salmon. U. S. v. 2,944 Cases of Pink Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36285. Sample nos. 38072-B, 38076-B.)

This case involved an interstate shipment of canned salmon which was in part decomposed.

On September 6, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,944 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 18, 1935, by the Glacier Sea Foods Co., from Cordova, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On September 23, 1935, the Glacier Sea Foods Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25170. Adulteration and misbranding of butter. U. S. v. 72 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36298. Sample no. 37440-B.)

This case involved an interstate shipment of butter which was deficient in milk fat and which contained filth.

On August 3, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, by the Valley Creamery, from New Mar-